

Message Text

SECRET

PAGE 01 AMMAN 02075 01 OF 03 041809Z
ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----119166 041812Z /50
O 041602Z MAR 78
FM AMEMBASSY AMMAN
TO SECSTATE WASHDC IMMEDIATE 5285
INFO AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE

S E C R E T SECTION 1 OF 3 AMMAN 2075

EXDIS (HANDLE AS NODIS)

STADIS//////////

FROM ATHERTON

U.S. DEL. NO. 54

E.O.11652: XGDS-2
TAGS: PORG, IS, UNSC
SUBJECT: RESOLUTION 242: WITHDRAWAL ON ALL THREE FRONTS

REF: STATE 49594

1. FOLLOWING IS TEXT OF DOCUMENT I PRESENTED
MORNING OF MARCH 3 TO ISRAELI MFA LEGAL ADVISOR MEIR
ROSENNE. IT QUOTES SELECTIVELY FROM REFTEL AND
CONSTITUTES POINTS I MADE DURING MY PRESENTATION TO
ATTORNEY-GENERAL BARAK AND ROSENNE PREVIOUS DAY
(SEPTEL). I ATTACHED A PERSONAL NOTE STATING
THAT THE DOCUMENT HAS NO FORMAL OR OFFICIAL STANDING
AS A DEFINITIVE U.S. GOVERNMENT LEGAL POSITION.

2. BEGIN TEXT:

I. IN THE PERIOD FROM THE 1967 WAR TO THE ADOPTION

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OF RESOLUTION 242, U.S.- ISRAELI COOPERATION WAS GROUNDED
ON A MUTUAL UNDERSTANDING THAT ISRAEL WAS TO WITHDRAW
ON ALL THREE FRONTS IN THE CONTEXT OF AN AGREED PEACE.
THE U.S. ACTED TO ISRAEL'S BENEFIT IN RELIANCE ON
THAT UNDERSTANDING.

A. THE UNITED STATES WORKED WITH ISRAEL AND THE

U.S. DURING FIVE MONTHS OF INTENSIVE DIPLOMATIC EFFORT TO OBTAIN A SECURITY COUNCIL RESOLUTION IN TERMS ACCEPTABLE TO ISRAEL. DURING THAT TIME, ISRAEL WAS FULLY AWARE OF THE U.S. AND U.K. VIEW THAT WITHDRAWAL WAS REQUIRED ON THE WEST BANK AS WELL AS THE EGYPTIAN AND SYRIAN FRONTS, ALTHOUGH NOT NECESSARILY TOTAL WITHDRAWAL; ISRAEL ALLOWED NEGOTIATIONS TO PROCEED ON THIS BASIS WITHOUT RAISING OBJECTION, AND TOOK POSITIONS INCONSISTENT WITH THE IDEA THAT THE WEST BANK OR ANY FRONT WAS TO BE EXCLUDED FROM THE SCOPE OF THE RESOLUTION'S WITHDRAWAL PROVISION.

--ON SEPTEMBER 19, THE ISRAELI TERRITORIAL IDEAS OUTLINED BY FOREIGN MINISTER EBAN TO AMBASSADOR GOLDBERG INCLUDED: THE INTERNATIONAL BORDER WITH EGYPT, SOME TERRITORIAL ADJUSTMENT WITH SYRIA, MUSLIM CONTROL AND SOVEREIGNTY OVER THE MUSLIM HOLY PLACES, AND TWO ELEMENTS FOR THE WEST BANK -- DEMILITARIZATION WITH U.N. INSPECTION, AND SOME FORM OF ECONOMIC, CUSTOMS OR TRAVEL ARRANGEMENTS PERMITTING ISRAEL ACCESS TO AND LARGER COOPERATION WITH THE AREA. (EARLIER, ON JUNE 22, WHEN EBAN INFORMED RUSK OF THE TENTATIVE ISRAELI MINISTERIAL CONCLUSIONS, ISRAEL HAD SOUGHT PEACE WITH SYRIA BASED ON THE INTERNATIONAL FRONTIER AND ON DEMILITARIZATION
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OF THE GOLAN HEIGHTS.)

--ON OCTOBER 11, EBAN EXPRESSED SATISFACTION TO GOLDBERG OVER A U.S.-U.K. AGREED MINUTE WHICH INDICATED THAT THE TEXT OF THE RESOLUTION UNDER NEGOTIATION "REFERRING TO WITHDRAWAL MUST SIMILARLY BE UNDERSTOOD TO MEAN WITHDRAWAL FROM OCCUPIED TERRITORIES OF THE UAR, JORDAN AND SYRIA." ("TERRITORIES OF...JORDAN" WAS CLEARLY UNDERSTOOD TO REFER TO THE WEST BNK. NO OTHER TERRITORY COULD HAVE BEEN MEANT; ISRAELI FORCES DID NOT OCCUPY THE EAST BANK. U.S.- ISRAELI CONVERSATIONS AT THE TIME REFERRED TO THE WEST BANK AS THE TERRITORY OF JORDAN, AND THIS WAS THE GENERAL USAGE IN THE SECURITY COUNCIL AT THE TIME. SEE, FOR EXAMPLE, RESOLUTION 228 OF 1966 DEALING WITH AN ISRAELI ATTACK ON THE WEST BANK.)
--IN A CONVERSAION ON OCTOBER 25 WITH UNDER SECRETARY KATZENBACH AND OTHERS, EBAN STATED THAT ISRAEL HAD TRIED TO GET WORD TO THE ARABS THAT ISRAEL WAS NOT THINKING OF MAJOR TERRITORIAL CHANGES. HE DID NOT DEMUR

WHEN, IN A DISCUSSION OF THE WEST BANK, ROSTOW
REFERRED TO THE UNITED STATES COMMITMENT TO THE
TERRITORIAL INTEGRITY OF JORDAN. (TERRITORIAL
INTEGRITY OF EVERY STATE IN THE AREA, AN
ELEMENT OF RESOLUTION 242, FIGURES IN ALL
U.S.-PROPOSED RESOLUTIONS ON THE SUBJECT.)

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----119272 041834Z /50
O 041602Z MAR 78
FM AMEMBASSY AMMAN
TO SECSTATE WASHDC IMMEDIATE 5286
INFO AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE

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EXDIS (HANDLE AS NODIS)

STADIS//////////

FROM ATHERTON

SUMMING UP THE ISRAELI POSITION IN THIS
CONVERSATION WHICH EXPRESSLY EMBRACED THE
WEST BANK, EBAN STATED THAT, ON THE
TERRITORIAL SIDE, WHAT ISRAEL SOUGHT WERE
"SMALL SECURITY ADJUSTMENTS."

--ISRAEL WAS AWHAT, TO GET A RESOLUTION
ISRAEL COULD LIVE WITH, THE U.S. HAD TO
GIVE THE ARABS ASSURANCES ON THE WITHDRAWAL
ASPECT. THERE IS NO INDICATION IN OUR
RECORDS THAT ISRAEL OBJECTED TO THE U.S. GIVING
SUCH ASSURANCES. AMBASSADOR HARMAN, ON NOVEMBER 6,
WAS BRIEFED BY ROSTOW ON GOLDBERG'S ASSURANCE TO
HUSSEIN ON NOVEMBER 3 THAT THE U.S. ENVISAGED
ISRAELI WITHDRAWAL ON THE WEST BANK AND
THE PROTECTION OF JORDANIAN TERRITORIAL
INTEGRITY, ALTHOUGH SOME TERRITORIAL ADJUSTMENT
WOULD BE REQUIRED. BATTLE BRIEFED HARMAN ON

NOVEMBER 8 ON RUSK'S NOVEMBER 6 RENEWAL

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TO HUSSEIN OF THE NOVEMBER 3 ASSURANCES.
ON NOVEMBER 11, GOLDBERG REPORTED TO EBAN
THAT HUSSEIN HAD USED THE U.S. ASSURANCES
TO SEEK TO BRING THE ARAB GROUP ALONG WITH
THE U.S. RESOLUTION (WHICH WAS ULTIMATELY
TRANSFORMED INTO RESOLUTION 242, THE U.K.
TEXT).

II. THE NEGOTIATING HISTORY

A. WE HAVE RESEARCHED THE RECORDS OF THE PUBLIC
AND PRIVATE NEGOTIATIONS LEADING UP TO
ADOPTION OF RESOLUTION 242, AND THE EXPLANATIONS
OF VOTE AT ITS ADOPTION, AND WE CONCLUDE
THAT THERE IS NO ROOM FOR DOUBT THAT THE MEMBERS
OF THE COUNCIL, AND ISRAEL, WHILE DIFFERING
ON THE QUESTION OF WHETHER OR NOT WITHDRAWAL
WOULD HAVE TO BE TOTAL, AND WHETHER OR NOT
IT HAD TO PRECEDE IMPLEMENTATION OF THE
OTHER ELEMENTS OF PEACE, SHARED A COMMON CORE
OF UNDERSTANDING THAT THE PRINCIPLE OF WITHDRAWAL
WAS APPLICABLE TO ALL THREE FRONTS.

B. ISRAEL ITSELF DID NOT CLAIM THEN, PUBLICLY
OR IN CONFIDENTIAL DIPLOMATIC EXCHANGES,
THAT THE PRINCIPLE OF WITHDRAWAL APPLIED ONLY
ON SELECTED FRONTS AND, (AS THE INFORMATION
SET OUT UNDER POINT I.A. ABOVE SHOWS), ON
THE CONTRARY, UNDERSTOOD THAT WITHDRAWALS WERE
CALLED FOR ON ALL THREE FRONTS, THE WEST
BANK INCLUDED. THIS UNDERSTANDING IS
EVIDENT FROM SUBSEQUENT ISRAELI ACTIONS.

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-- AMBASSADOR TEKOAH, IN HIS MAY 1, 1968 SECURITY
COUNCIL STATEMENT, SAID: "I AM ALSO
AUTHORIZED TO REAFFIRM THAT WE ARE WILLING
TO SEEK AGREEMENT WITH EACH ARAB STATE ON ALL
MATTERS INCLUDED IN THAT RESOLUTION."

-- IN JULY, 1968, DURING CONSULTATIONS WITH
THE U.S. ON THE JARRING MISSION UNDER RESOLUTION

242, EBAN TOLD BALL THAT HE COULD CONVEY TO KING HUSSEIN THE IMPRESSION THAT IN A "REAL PEACE SETTLEMENT," THE KING WOULD GET BACK VERY MUCH, BUT NOT ALL, OF WHAT HE LOST. EBAN TOLD THE AMERICANS THAT THEY COULD TELL HUSSEIN, ON ISRAEL'S BEHALF, THAT WHILE ISRAEL DID NOT ENVISAGE RESTORATION OF THE JUNE 4 LINES, IT DID ENVISAGE A LIMITED KINGDOM ON BOTH SIDES OF THE JORDAN RIVER, WHICH WOULD INCLUDE THE ARAB POPULATION AND MOST OF THE TERRITORY. ISRAEL, EBAN STATED, SOUGHT ONLY TERRITORIAL CHANGES JUSTIFIED ON SECURITY GROUNDS.

-- IN ITS FORMAL ACCEPTANCE ON AUGUST 3, 1970, OF THE U.S. INITIATIVE, ISRAEL EXPRESSED ITS "READINESS...TO CARRY OUT THE SECURITY COUNCIL RESOLUTION IN ALL ITS PARTS." SINCE, IN ITS ACCEPTANCE LETTER, ISRAEL RELATED THIS TO DISCUSSIONS "WITH THE UAR (JORDAN)," SEPARATELY, ISRAEL CLEARLY UNDERSTOOD THAT ALL PARTS OF RESOLUTION 242 APPLIED IN THE CONTEXT OF THE WEST BANK, NOT JUST THE EGYPTIAN FRONT.

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----119468 041933Z /41
O 041602Z MAR 78 ZFF-6
FM AMEMBASSY AMMAN
TO SECSTATE WASHDC IMMEDIATE 5287
INFO AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE

S E C R E T SECTION 3 OF 3 AMMAN 2075

STADIS//////////

EXDIS (HANDLE AS NODIS)

FROM ATHERTON

--THE GAHAL PARTY WAS CLEAR IN ITS UNDER-
STANDING THAT RESOLUTION 242, AND THE U.S.

INITIATIVE OF 1970 WHICH INCORPORATED IT, CALLED FOR WITHDRAWALS ON ALL THREE FRONTS. BEGIN TOOK GAHAL OUT OF THE GOVERNMENT BECAUSE ITS FORMAL ACCEPTANCE OF THE U.S. INITIATIVE VIOLATED THE PARTY'S COMMITMENT TO THE PRINCIPLE OF NON-WITHDRAWAL FROM THE WEST BANK.

--CRITICIZING THE DECISION TO ACCEPT, BEGIN STATED ON AUGUST 1 THAT "THERE WILL BE A CLEAR UNDERTAKING FOR THE STATE OF ISRAEL TO AGREE TO REPARTITION OF THE STATE OF ISRAEL... WE NEVER IMAGINED THAT AFTER JUDEA AND SAMARIA CAME UNDER JEWISH RULE, WE WOULD ANNOUNCE THAT WE HAVE NO RIGHT TO THEM AND UNDERTAKE TO HAND THEM OVER TO HUSSEIN."

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-- AS RECENTLY AS FEBRUARY 26, 1976, THE ISRAELI CABINET AUTHORIZED PROPOSING TO THE ARABS NEGOTIATION OF INTERIM AGREEMENTS ON ALL THREE FRONTS: IN RETURN FOR A TERMINATION OF THE STATE OF WAR BY EGYPT, SYRIA, AND JORDAN, ISRAEL WOULD CARRY OUT WITHDRAWALS IN SINAI, THE GOLAN HEIGHTS AND THE WEST BANK.

III. SINCE THE ADOPTION OF RESOLUTION 242

A. ISRAEL TOOK NO EXCEPTION TO 242'S WITHDRAWAL PROVISIONS.

-- ISRAEL, FULLY COGNIZANT OF THE FACT THAT ALL THE PROVISIONS OF RESOLUTION 242, INCLUDING WITHDRAWAL, APPLIED REGARDING THE WEST BANK AS WELL AS THE EGYPTIAN AND SYRIAN FRONTS, INVOLVED ITSELF APPROVINGLY IN THE U.S. AND U.K. EFFORTS TO GAIN ITS ADOPTION, AND MADE NO RESERVATION OR QUALIFICATION REGARDING THE APPLICABILITY OF ITS PROVISIONS TO ALL FRONTS WHEN IT LATER FORMALLY ACCEPTED RESOLUTION 242. AS NOTED ABOVE, ITS FORMAL STATEMENTS OF MAY 1, 1968 AND AUGUST 3, 1968, CONTAIN NO SUCH RESERVATION OR QUALIFICATION. WE HAVE ALSO CHECKED ISRAEL'S WRITTEN ASSURANCES TO JARRING, DATED FEBRUARY 19, 1968, WHICH RESPONDED TO RESOLUTION 242 "AFFIRMATIVELY," ALTHOUGH IN GENERAL TERMS. IT HAS NO QUALIFICATION OR RESERVATION.

B. ISRAEL IS ALSO BOUND VIS-A-VIS THE UNITED
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NATIONS AND THE OTHER PARTIES CONCERNED.

--ISRAEL'S UNQUALIFIED ACCEPTANCE OF THE
RESOLUTION 242 BINDS ISRAEL TO SEEK A SETTLEMENT
IN ACCORDANCE WITH THE PROVISIONS AND PRINCIPLES
OF THAT RESOLUTION. IT CONSTITUTES ISRAEL'S
COMMITMENT TO THE UNITED NATIONS AND THE OTHER
PARTIES CONCERNED OF ITS WILLINGNESS TO JOIN
(AND ITS INSISTENCE THAT OTHERS JOIN) IN
ESTABLISHING A JUST AND LASTING PEACE WHICH
SHOULD INCLUDE APPLICATION OF THE STATED
PRINCIPLES, INCLUDING "WITHDRAWAL OF ISRAEL
ARMED FORCES FROM TERRITORIES OCCUPIED
IN THE RECENT CONFLICT..."

--WITH THOSE ARAB STATES WHICH HAVE
ACCEPTED RESOLUTION 242, INCLUDING ITS
COMMITMENT TO ESTABLISH AN AGREED SETTLE-
MENT, THERE HAS BEEN A MUTUAL AND BINDING
UNDERTAKING.

C. FINALLY, THE ESTABLISHED PRINCIPLE
OF INTERNATIONAL LAW THAT INTERNATIONAL
OBLIGATIONS ASSUMED ON BEHALF OF A STATE BY
ONE GOVERNMENT ARE BINDING ON SUCCESSOR
GOVERNMENTS IS A VITAL ONE FOR ISRAEL.
END TEXT.
PICKERING

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Message Attributes

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TAGS: PORG, PBOR, IS, UNSC
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